

SENATE BILL No. 244

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-1-5.

Synopsis: IURC communications with parties. Prohibits a commissioner, an administrative law judge, or an employee of the utility regulatory commission (IURC) who is assigned to a formally docketed proceeding from communicating with a party to the proceeding unless the party files a notice of the communication for inclusion in the public record.

Effective: July 1, 2002.

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January 7, 2002, read first time and referred to Committee on Commerce and Consumer Affairs.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 244

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-1-1-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) The commission shall in all
3 controversial proceedings heard by it be an impartial fact-finding body
4 and shall make its orders in such cases upon the facts impartially found
5 by it. The commission shall in no such proceeding, during the hearing,
6 act in the role either of a proponent or opponent on any issue to be
7 decided by it. All evidence given in any such proceeding shall be
8 offered on behalf of the respective parties to, or appearing in, the
9 proceeding and not in the name or behalf of the commission itself.
10 (b) Any report, audit, examination, or analysis prepared by the
11 commission staff at the request or direction of the commission may be
12 made a part of the record of the proceeding, subject to
13 cross-examination by any party of the person who performed or
14 directed the preparation of the report, audit, examination or analysis.
15 (c) If in any such proceeding the public interest is not otherwise
16 adequately represented by counsel, in the opinion of the commission,
17 it shall be the duty of the utility consumer counselor, if requested by the



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commission, to make adequate preparation for the presentation of the interests of the public in such proceeding and ~~he~~ **the utility consumer counselor** shall at the hearing represent the public interests therein involved.

(d) However, nothing in this section prevents the commission from instituting, prosecuting, hearing, or determining any investigation or proceeding which it is authorized to do, or make, on its own motion by any law with the administration of which it is charged.

(e) ~~Except as otherwise provided in this chapter, no member or A commissioner, an administrative law judge, or a staff employee of the commission assigned to make findings of fact and conclusions of law in a formally docketed evidentiary proceeding may not communicate in connection with any issue of fact, or law, or policy disputed in that proceeding with any party or his a party's representative, except on notice and with opportunity for all parties to participate.~~ **unless the party agrees to report the communication in the manner provided in this subsection, and regardless of whether the communication is initiated by the party or the party's representative or by the commissioner, administrative law judge, or staff employee. A party shall report a communication described in this subsection not later than three (3) working days after the date on which the communication occurs by submitting a notice of ex parte communication to the administrative law judge or commissioner assigned to the proceeding and to the secretary of the commission for inclusion in the public record. A notice provided under this subsection must include the following information:**

(1) The date, time, and location of the communication and whether it was oral, written, or oral and written.

(2) The identity of:

(A) all participants in the communication;

(B) the person initiating the communication; and

(C) any other persons present during the communication.

(3) A description of the communication and a summary of the content of communication.

The party shall attach to the notice required under this subsection a copy of any written material or text used during the communication.

(f) A person who violates this section commits a Class C infraction.

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